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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,265	03/29/2004	Jason Batai	120-346	2766
34845	7590	07/05/2007		
McGUINNESS & MANARAS LLP 125 NAGOG PARK ACTON, MA 01720			EXAMINER NGUYEN, KHAI N	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/812,265	Applicant(s) BATAI, JASON	
	Examiner Khai N. Nguyen	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 29, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Title

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Voice recognition for servicing calls by the Call Center agent.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 12-19, and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Neyman et al. (U.S. Patent No. 6,198739).

Regarding claim 1, Neyman et al. teach a method for processing a received call, comprising:

routing the received call to an agent (Fig. 5, Fig. 6 and Fig. 7 – 1104 calls, call-in center 1150 – column 9, lines 53-55, and column 10, lines 9-12);

detecting a change of mode event (column 3, lines 10-20);

receiving at least one call description voice command from said agent (column 2, lines 26-28, and lines 48-51); and

storing at least one activity code associated with said at least one call description voice command in a data record associated with said received call (Fig. 5, Fig. 6 and

Fig. 7 – 1161 and 1171 computer platforms recorded the voice data of calls, column 12, lines 10-11), wherein said at least one activity code describes said received call (column 2, lines 65-67, and column 12, lines 16-19).

Regarding claims 2, 4, 14, and 16, Neyman et al. teach a system and a method wherein said change of mode event comprises a termination of said received call and further comprising detecting said change of mode event prior to termination of said received call (column 11, lines 59-66, and column 10, lines 35-37).

Regarding claims 3 and 15, Neyman et al. teach a system and a method wherein said change of mode event comprises detection of a signal from a manual interface mechanism on a telephone headset associated with said agent (column 3, lines 10-16).

Regarding claims 5 and 17, Neyman et al. teach a system and a method further comprising:

entering, responsive to said change of mode event, a muted command mode in which at least one of said call description voice commands are received from said agent, and wherein said call description voice commands are not audible to a caller of said call (column 2, lines 48-51, and column 9, lines 16-20).

Regarding claims 6, 7, 18, and 19 Neyman et al. teach a method wherein said activity code indicates that a sale occurred during said call; and wherein said activity code indicates an identity of a calling party involved in said call (column 9, lines 16-20).

Regarding claim 13, Neyman et al. teach a system for processing a received call, comprising:

call receiving logic operable to route the received call to an agent (Fig. 5, Fig. 6 and Fig. 7 – 1104 calls, call-in center 1150 – column 9, lines 53-55, and column 10, lines 9-12); and

voice recognition logic operable to

detect a change of mode event (column 3, lines 10-20);

receive at least one call description voice command from said agent (column 2, lines 26-28, and column 2, lines 48-51); and

store at least one activity code associated with said at least one call description voice command in a data record associated with said received call (Fig. 5, Fig. 6 and Fig. 7 – 1161 and 1171 computer platforms recorded the voice data of calls, column 12, lines 10-11), wherein said at least one activity code describes said received call (column 2, lines 65-67, and column 12, lines 16-19).

Regarding claim 25, Neyman et al. teach a system for processing a received call, comprising:

means for routing the received call to an agent (Fig. 5, Fig. 6 and Fig. 7 – 1104 calls, call-in center 1150 – column 9, lines 53-55, and column 10, lines 9-12);

means for detecting a change of mode event (column 3, lines 10-20);

means for receiving at least one call description voice command from said agent (column 2, lines 26-28, and column 2, lines 48-51); and

means for storing at least one activity code associated with said at least one call description voice command in a data record associated with said received call (Fig. 5, Fig. 6 and Fig. 7 – 1161 and 1171 computer platforms recorded the voice data of calls,

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column 12, lines 10-11), wherein said at least one activity code describes said received call (column 2, lines 65-67, and column 12, lines 16-19).

Regarding claims 12 and 24, Neyman et al. teach a method and a system further comprising report logic operable to generate at least one report describing a plurality of received calls, wherein said report is based at least in part on said data record associated with said received call, and wherein said report reflects said activity code (column 12, lines 20-43, and lines 53-63).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neyman et al. (U.S. Patent No. 6,198,739), and further in view of Petrunka et al. (U.S. patent 5,987,115).

Regarding claims 8-11, and 20-23, Neyman et al. disclose everything claimed as applied above (see claim 1, and 13). However, Neyman et al. fail to include the agent status information (i.e. the availability of said agent to receive calls, agent is logging off the system, agent temporarily unavailable to receive calls, and agent available to receive calls). Although Neyman et al. teach the transactional data retrieved from the

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switch (i.e. line busy, line available, and the like) (Neyman et al. – column 10, lines 42-43).

In the same field of endeavor, Petrunka et al. teach the system to interact with agents to collect agent status information (Petrunka et al. – column 4, lines 13-16) that include the availability of agent to receive calls (Petrunka et al. – Fig. 4, column 4, lines 66-67), the agent temporarily unavailability and log off (Petrunka et al. – Fig. 6B, column 6, lines 62-65), and the agent availability and log on (Petrunka et al. – Fig. 3). The advantage of Petrunka et al. is additional level of security can be attained by recognizing the speech patterns (voice commands) of authorized agents (Petrunka et al. – column 4, lines 55-58).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Neyman et al. with the agent status information.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Edinger et al. (U.S. Pub. No. 2002/0194047 A1) teach a customer support management system and method (post-sale process) that include database stored customer specific information and agent status and activity codes.

Saylor et al. (U.S. Patent No. 6,501,832) teach a system and method for using voice codes ("VCodes") to access the stored content via telephone.

Polcyn (U.S. Patent No. 6,865,258) teaches a system and method for transcribing messages.

Albal et al. (U.S. patent No. 6,700,962) teach a system and method for creating a call detail record.

Scarano et al. (U.S. Pub. No. 2004/0117185 A1) teach an apparatus and a method to monitor conversations by using speech recognition technology.

Elazar (U.S. Patent No. 6,542,602) teach a method for monitoring agent telephonic interactions with customers.


Alpdemir (U.S. Pub. No. 2002/0035474 A1) teaches speech-recognition-based interactive electronic commerce.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai N. Nguyen whose telephone number is (571) 270-3141. The examiner can normally be reached on Monday - Thursday 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alexander Eisen
SPE
Art Unit 2609

KNN
6/21/2007